

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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Case No. S-2654

PETITION OF LAMONT AND TRACI HOFFMAN

OPINION OF THE BOARD

(Opinion Adopted December 21, 2005)
(Effective Date of Opinion: January 20, 2006)

Case No. S-2654 is an application for a special exception, pursuant to Section 59-G-2.49 of the Zoning Ordinance to permit an Equestrian Facility for up to five horses in the RE-2 Zone.

The Hearing Examiner for Montgomery County held a public hearing on the application on November 7, 2005, closed the record in the case on November 14, 2005, and on December 2, 2005, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **Granted** Subject
To Conditions Enumerated Below.

The subject property is in Gattons Adventure Subdivision, located at 11001 Glen Road, Potomac, Maryland, 20854, in the RE-2 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on December 21, 2005. After careful consideration and a review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. The Petitioners shall be bound by all of their testimony and exhibits of record, and by the testimony of their witnesses and representations of counsel identified in the Hearing Examiner's Report and Recommendation and in the Board's opinion.

2. Petitioners must handle all animal waste in accordance with state requirements for nutrient management. If there are no applicable state requirements, then best practices for managing equestrian facilities shall be followed.
3. Petitioners may maintain a maximum of five (5) horses on the property (consistent with the previous Special Exception approved for the property).
4. Petitioners shall limit equestrian activity to family (*i.e.* non-commercial) use, but professional equestrian instruction and assistance in managing the horses are permitted.
5. If land disturbance is proposed at a later time as part of this special exception, then Petitioner must submit the plan to Technical Staff for re-evaluation of the forest conservation exemption. In addition, a water quality plan for the SPA may be required at that time.
6. No exterior lighting is permitted in conjunction with the equestrian use. All operations associated with the equestrian use of the property shall occur during natural daylight hours.
7. Manure not used for composting on site must be removed bi-weekly.
8. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Angelo M. Caputo, seconded by Wendell M. Holloway, with Caryn L. Hines and Donna L. Barron, Vice Chair in agreement and Allison Ishihara Fultz, Chair necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Donna L. Barron
Vice-Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 20th day of January, 2006.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.